

**STATE OF MINNESOTA
BOARD OF MARRIAGE AND FAMILY THERAPY**

In the Matter of
Grant Chikazawa-Nelson, Ph.D., LMFT
Date of Birth: 06/07/1969
License Number: 943

STIPULATION AND CONSENT ORDER

I. INTRODUCTION

WHEREAS, on or about February 26, 2014, the Complaint Panel of the Minnesota Board of Marriage and Family Therapy ("Complaint Panel") instituted the above-captioned matter by serving upon Grant Chikazawa-Nelson, Ph.D., LMFT ("Respondent" or "Licensee") a document entitled, "Notice of Hearing For Alleged Noncompliance With Stipulation And Consent Order" ("Notice"); and

WHEREAS, on March 13, 2014, Respondent and the Complaint Panel met in a conference room via conference call to discuss the allegations set forth in the Notice; and

WHEREAS, based upon the conference discussion, the parties wish to resolve this matter without the necessity and expense of a contested case hearing by entering into the instant stipulation.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between Respondent and the board as follows:

A. During all times material herein, Respondent has been and now is subject to the jurisdiction of the board to which he has applied and been granted a license to practice marriage and family therapy in Minnesota.

B. In the event the board in its discretion does not approve this stipulation, it shall be deemed withdrawn and of no evidentiary value and shall not be introduced or relied on by either

party; except that Respondent agrees that, should the board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the board was prejudiced by its review and discussion of the stipulation or of any records relating hereto.

C. Respondent expressly waives a formal hearing on all facts and legal conclusions referenced herein and any and all procedures before the board relative to said facts and conclusions to which he might otherwise be entitled by law.

II. FACTS

D. Respondent grants that for purposes of its proceedings relating to this stipulation, the Board may consider the following as true:

a. On March 16, 2012, the Board adopted a Stipulation and Consent Order ("2012 Order"), suspending Respondent's license for a period of 3 months, and then placing Respondent's license in a conditional status. In paragraph 12 of the 2012 Order, Respondent expressly acknowledged and agreed to several procedures the Review Panel may use to resolve alleged noncompliance with or violation of the 2012 Order.

b. The Review Panel received information that Respondent failed to comply with or violated the 2012 Order, as described below:

i. On May 11, 2013, the Board received a report that Respondent was not practicing under the supervision of his Board-Approved Supervisor and that meetings with his Board-Approved Supervisor ended on February 26, 2013. Additionally, on May 31, 2013, Respondent admitted that though he moved to the Philippines on March 3, 2013, he continued to provide therapy to his clients in Minnesota via Skype. Paragraph 4(a) of the 2012 Order requires Respondent to practice only under the supervision of a Board-Approved Supervisor until such time as he is granted an unrestricted license by the Board.

ii. Paragraph 4(e) of the 2012 Order requires Respondent to complete a Professional Boundaries Course within 60 days of the date the Board adopted the 2012 Consent Order. On May 31, 2013, Respondent informed the Board that he could not afford to take the professional boundaries course and requested a waiver of this requirement. On June 28, 2013, the Board informed respondent that he could submit a different boundaries course to the Review Panel for approval, which would not challenge his financial situation. As of the date of this Notice, Respondent has not completed the boundaries course requirement.

c. On May 31, 2013, Respondent petitioned for an unconditional license.

d. On June 28, 2013, the Board rejected Respondent's petition for an unconditional license and informed respondent that he was not in compliance with the following terms of the 2012 Order:

i. Respondent was not under the supervision of a Board-Approved Supervisor as required by the 2012 Order;

ii. The Board had not received all of the required reports from the Board-Approved Supervisor as required by Paragraph 4(b) of the 2012 Order;

iii. Respondent's treating therapist did not submit a report at the time of petition as required by paragraph 4(h) of the 2012 Order; and

iv. Respondent failed to enroll in and successfully complete the Professional Boundaries course and all other requirements associated with said course as required by paragraph 4(d)-(f) of the 2012 Order.

e. On December 10, 2013, Respondent contacted the Board via email and stated that he did not receive the June 28, 2013 letter.

f. The June 28, 2013 letter was addressed and sent to Respondent's address

on file with the Board. The Board sent a second copy of the letter to Respondent via email on or about December 12, 2013.

III. LAWS

Respondent admits that the aforementioned conduct constitutes a violation of the 2012 Order and Minn. R. 5300.0350, subp. 4(N), (S), and subp. 5(F) (2012). Respondent further admits that the conduct and these violations justify the disciplinary action described in section IV below.

IV. DISCIPLINARY ACTION

The parties agree the Board may take the following disciplinary action and require compliance with the following terms:

- A. The 2012 Order is hereby **RESCINDED** and has no future force or effect.
- B. The Board hereby **SUSPENDS** Respondent's license to practice marriage and family therapy. Respondent shall not engage in any act that constitutes the practice of marriage and family therapy as defined in Minnesota Statutes section 148B.29, subd. 3 (2012) and shall not imply by words or conduct that Licensee is authorized to practice marriage and family therapy.
- C. Respondent may petition for reinstatement of his license when he can show compliance with the terms of this paragraph (IV(C)). At the time of Licensee's petition, Licensee shall meet with a Review Panel and provide proof of compliance with, at a minimum, the following:
 - 1. **Successful Completion of Boundaries Course.** Licensee shall arrange to enroll in a pre-approved individualized professional boundaries training course and comply with the following:
 - (a) The instruction must be synchronous and offer one-on-one instruction.
 - (b) Licensee's course must be approved in advance by the Complaint

Panel. Licensee shall submit for approval to the Complaint Panel a proposed instructor's curriculum vitae, and a syllabus that includes goals, objectives, assignments, projects, methods, and frequency of evaluation.

(c) Licensee must complete this course prior to petitioning for reinstatement of his license. All fees for the course shall be paid by the licensee and successful completion of the boundaries course shall be determined by the Complaint Panel.

2. **Report on Boundaries Course from Respondent.** Within 30 days of completing the Course, Respondent shall submit a written report to the Complaint Panel which provides and/or addresses the following:

- (a) The dates Respondent began and completed the Course;
- (b) A brief statement of the topics covered in the Course;
- (c) A detailed discussion of what Respondent has learned from the Course, including Respondent's comprehension and knowledge of boundary issues, as well as various boundaries issues encountered in practice and how this course will affect his practice in the future;
- (d) A detailed discussion of the violations that occurred, including:
 - (i) How Respondent came to violate professional boundaries;
 - (ii) The manner in which Respondent violated these boundaries;
 - (iii) The specific harm to each individual that resulted, and the potential harm to other individuals that could have resulted from Respondent's conduct;
 - (iv) How Respondent now believes the violations could have been averted;
 - (v) A detailed discussion of the specific ways this course may affect Respondent's practice if he is granted unconditional licensure;
 - (vi) Respondent's reasons for believing he is capable of

conducting himself in a fit, competent, and ethical manner in the practice of marriage and family therapy; and

(vii) Any other information Respondent believes would assist the Board in its ultimate review of this matter.

3. **Report on Boundaries Course From Instructor.** Respondent shall cause to be submitted to the Complaint Panel a report from the instructor of the boundaries course. This report shall address:

- a) The extent of Respondent's participation in the course; and
- b) The instructor's assessment of Respondent's knowledge obtained from the course, comprehension of the material issues, and opinion as to Respondent's ability to engage in the practice of marriage and family therapy.

4. **Supervision of Board Approved Supervisor.** Prior to petitioning for reinstatement of his license, Licensee shall arrange for the supervision of a board-approved supervisor. This requirement in no way guarantees or promises that the Complaint Panel shall agree to grant Respondent's petition for reinstatement in any form, including a conditional license. However, should Respondent's petition for reinstatement be approved with the condition that he practice under the supervision of a board-approved supervisor, the aforementioned supervisor will serve in that role. Selection and arrangement of the supervisor shall comply with the following:

(a) Licensee's supervisor must be approved in advance by the Complaint Panel from a list of at least three names Licensee shall submit to the Complaint Panel.

(b) Licensee shall cause each proposed supervisor to submit a curriculum vitae to the Board for the Complaint Panel's review prior to its approval of a supervisor.

(c) The Complaint Panel reserves the right to reject all names

submitted by the Licensee. If the Complaint Panel rejects any names submitted, the Complaint Panel may require that Licensee submit additional names as described above, or the complaint Panel may provide Licensee with the name of a supervisor.

(d) Licensee shall have no previous personal or professional relationship with the supervisor. Licensee shall not engage in the practice of marriage and family therapy until a supervisor has been approved by the Complaint Panel and retained by Licensee. Licensee shall meet with the supervisor no less than twice per month for a minimum of two hours per session. The purpose of the meetings is to address and review issues that shall be contained with the supervisor's reports.

D. It is Respondent's responsibility to ensure all reports, evaluations, and documentation required to be filed with the Board pursuant to this Stipulation and Consent Order are timely filed by those preparing the report, evaluation, or documentation. Failure to file reports on or before their due date is a violation of this Stipulation and Consent Order. The information contained in the reports, evaluations, and documentation is confidential and shall be submitted to the Board by United States mail, courier, or personal delivery only.

E. Additional Information. Respondent shall provide any additional information relevant to his petition reasonably requested by the Panel.

F. Burden of Proof. The burden of proof shall be upon Licensee to demonstrate by a preponderance of the evidence that he is capable of practicing marriage and family therapy in a fit and competent manner.

F. The Board may, at any regularly scheduled meeting following Respondent's petition for removal of the suspension take any of the following actions:

1. Issue an Order granting Respondent an unrestricted license;
2. Issue an Order granting Respondent a license with limitations

upon the scope of Respondent's practice and/or with conditions for Respondent's practice;

3. Continue the suspension of Respondent's license upon his failure to meet the burden of proof; or

4. Any other action the Board deems appropriate.

V. CONSEQUENCES FOR NONCOMPLIANCE OR ADDITIONAL VIOLATIONS

Noncompliance With Requirements

A. If the Review Panel has probable cause to believe Respondent has failed to comply with or has violated any of the requirements as outlined above, the Complaint Panel may initiate a hearing before the Board. At least 30 days prior to the hearing, the Panel shall mail Respondent a notice of the violations alleged by the Panel. In addition, the notice shall designate the time and place of the hearing. Within 10 days after the notice is mailed, Respondent shall submit a written response to the allegations. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

B. The Panel, in its discretion, may schedule a conference with the Respondent prior to the hearing before the Board to discuss the allegations and attempt to resolve the allegations through agreement.

C. Prior to the hearing before the Board, the Panel and Respondent may submit affidavits and written argument in support of their positions. At the hearing, the Panel and Respondent may present oral argument. Argument shall not refer to matters outside the record. The evidentiary record shall be limited to the affidavits submitted prior to the hearing and this Stipulation and Consent Order. The Panel shall have the burden of proving by a preponderance of the evidence that a violation has occurred. If Respondent has failed to submit a timely response to the allegations, Respondent may not contest the allegations, but may present

argument concerning the appropriateness of additional discipline. Respondent waives a hearing before an administrative law judge, discovery, cross-examination of adverse witnesses, and other procedures governing hearings pursuant to Minnesota Statutes chapter 14.

E. Respondent's correction of a violation before the conference, hearing, or meeting of the Board may be taken into account by the Board, but shall not limit the Board's authority to impose discipline for the violation. A decision by the Panel not to seek discipline when it first learns of a violation shall not waive the Panel's right to later seek discipline for that violation, either alone or in combination with other violations, at any time while this Order is in effect.

F. Following the hearing, the Board will deliberate confidentially. If the allegations are not proved, the Board shall dismiss the allegations. If a violation is proved, the Board may impose additional discipline, including conditions or limitations on Respondent's practice, an additional period of suspension, additional conditions of reinstatement, or revocation of Respondent's license.

G. Nothing herein shall limit the Panel's or the Board's right to seek additional discipline pursuant to Minnesota Statutes section 148B.175, subdivision 7, based on a violation of this Stipulation and Consent Order or based on conduct of Respondent not specifically referred to herein. In addition, if Respondent fails to comply with or violates this Stipulation and Consent Order or it is determined Respondent has further violated Minnesota Statutes sections 148B.01 to 148B.39 or Minnesota Rules chapter 5300, the Panel may, in its discretion, seek additional discipline either by initiating a contested case proceeding pursuant to Minnesota Statutes chapter 14 or bringing this matter directly before the board.

VI. ADDITIONAL INFORMATION

A. IT IS FURTHER STIPULATED AND AGREED that this Stipulation shall not in any way limit or affect the authority of the Board to initiate administrative contested case proceedings against Respondent on the basis of any act, conduct or omission of Respondent occurring before or after the date of this Stipulation which is not related to the facts, circumstances or requirements referenced hereinabove, nor does this Stipulation in any way limit or affect the Board's authority to seek injunctive relief or criminal sanctions against Respondent for any violation of Minnesota Statutes section 148B.32 or Minnesota Rule 5300.0350 occurring after the effective date of the Order herein.

B. This Order and the Stipulation of which it is a part shall be deemed to be a public document.

C. Respondent has voluntarily entered into this Stipulation without threat or promise by the Board or any of its members, employees or agents, and after consultation with and advice from Respondent's counsel.

D. Respondent waives the contested case hearing and all other procedures before the Board to which Respondent may be entitled under the Minnesota United States Constitutions, statutes, or rules.

E. Respondent acknowledges that she may seek the advice of legal counsel prior to executing this Stipulation.

F. This Stipulation was read in its entirety by Respondent prior to its execution; he understands all of its provisions; and he affirms that it was entered into freely and voluntarily by him.

G. Respondent hereby knowingly and voluntarily waives any and all claims

against the Board, the Minnesota Attorney General, the State of Minnesota and their agents, employees and representatives which may otherwise be available to Respondent under the Americans with Disabilities Act relative to the action taken or authorized against Respondent's application for marriage and family therapy license under this Stipulation.

H. In the event Respondent should leave Minnesota to reside or to practice outside of the state, Respondent shall give the Board written notification of the new location, as well as dates of departure and return. Periods of residency and practice outside of Minnesota will not apply to the reduction of any period of Respondent's denial in Minnesota unless Respondent demonstrates that the practice in another jurisdiction conforms completely with this Stipulation and Consent Order. If Respondent leaves the state, the terms of this order continue to apply unless waived in writing.

I. This Stipulation and Consent Order, the files, records, and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

J. Either party may seek enforcement of this Stipulation and Consent Order in any appropriate civil court.

K. Respondent is aware this Stipulation and Consent Order must be approved by the Board before it goes into effect. The Board may either approve the Stipulation and Consent Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Respondent, the Stipulation and Consent Order will take effect and the order as modified will be issued. If the changes are unacceptable to Respondent or the Board rejects the Stipulation and Consent Order, it will be as if this Stipulation and Consent Order did not exist.

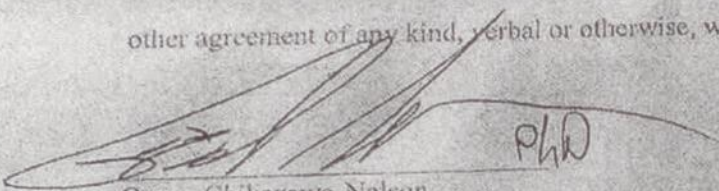
and the parties will proceed according to Minnesota Statutes Chapters 214 and 148B, except as specified in the following paragraph.

I. Respondent agrees that if the Board rejects this Stipulation and Consent Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Consent Order or of any records relating to it.

VII. DATA PRACTICES NOTICES

A. This Stipulation and Consent Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minnesota Statutes section 13.41, subdivision 5. Data regarding this action will be provided to data banks as required by Federal law or consistent with Board policy. While this Stipulation and Consent Order is in effect, information obtained by the Board pursuant to this Order is considered active investigative data on a licensed health professional, and as such, is classified as confidential data pursuant to Minnesota Statutes section 13.41, subdivision 4.

B. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

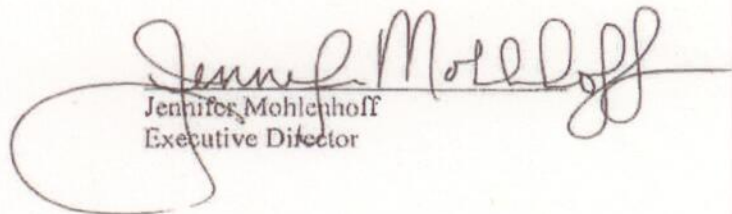

Grant Chikazawa-Nelson
Respondent

ORDER

Upon consideration of this stipulation and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this 28 day of March, 2014.

MINNESOTA BOARD OF
MARRIAGE AND FAMILY THERAPY


Jennifer Mohlenhoff
Executive Director

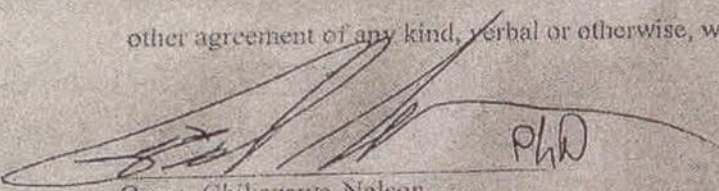
and the parties will proceed according to Minnesota Statutes Chapters 214 and 148J3, except as specified in the following paragraph.

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Respondent